
By: **Delegates Frush, Boutin, Brown, C. Davis, Goldwater, Harrison,
Hubbard, K. Kelly, Kirk, Krysiak, Moe, Nathan-Pulliam, Oaks, Owings,
Redmer, and Sher**

Introduced and read first time: February 9, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals - Credentialling Process - Certified Nurse Midwives**

3 FOR the purpose of requiring each hospital, as a condition of licensure, to establish a
4 credentialling process for certified nurse midwives who are employed by or have
5 staff privileges at the hospital; altering certain provisions relating to the
6 requirement that the Secretary of Health and Mental Hygiene establish
7 minimum standards for a certain credentialling process; establishing certain
8 standards by which each hospital shall grant clinical admitting privileges;
9 prohibiting certain factors from being considered in the determination of
10 qualifications for staff membership or clinical admitting privileges; and
11 generally relating to a hospital's credentialling process, clinical admitting
12 privileges, and certified nurse midwives.

13 BY repealing and reenacting, with amendments,
14 Article - Health - General
15 Section 19-319(e)
16 Annotated Code of Maryland
17 (2000 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Health - General**

21 19-319.

22 (e) (1) As a condition of licensure, each hospital shall establish a
23 credentialling process for the physicians AND CERTIFIED NURSE MIDWIVES who are
24 employed by or who have staff privileges at the hospital.

25 (2) The Secretary shall, by regulation and in consultation with hospitals,
26 physicians, CERTIFIED NURSE MIDWIVES, interested community and advocacy

1 groups, and representatives of the Maryland Defense Bar and Plaintiffs' Bar,
2 establish minimum standards for a credentialing process which shall include:

3 (i) A formal written appointment process documenting the
4 physician's OR CERTIFIED NURSE MIDWIFE'S education, clinical expertise, licensure
5 history, insurance history, medical history, claims history, and professional
6 experience.

7 (ii) A requirement that an initial appointment to staff not be
8 complete until the physician OR CERTIFIED NURSE MIDWIFE has successfully
9 completed a probationary period.

10 (iii) A formal, written reappointment process to be conducted at
11 least every 2 years. The reappointment process shall document the physician's OR
12 CERTIFIED NURSE MIDWIFE'S pattern of performance by analyzing claims filed
13 against the physician OR CERTIFIED NURSE MIDWIFE, data dealing with utilization,
14 quality, and risk, a review of clinical skills, adherence to hospital bylaws, policies and
15 procedures, compliance with continuing education requirements, and mental and
16 physical status.

17 (3) EACH HOSPITAL SHALL GRANT CLINICAL ADMITTING PRIVILEGES TO
18 A PHYSICIAN OR CERTIFIED NURSE MIDWIFE:

19 (I) ON AN INDIVIDUAL BASIS, COMMENSURATE WITH AN
20 APPLICANT'S EDUCATION, TRAINING, EXPERIENCE, AND DEMONSTRATED CURRENT
21 COMPETENCE;

22 (II) WITHOUT RESPECT TO THE APPLICANT'S GENDER, RACE, AGE,
23 RELIGION, NATIONAL ORIGIN, SEXUAL PREFERENCE, OR A PROTECTED CATEGORY
24 UNDER THE FEDERAL AMERICANS WITH DISABILITIES ACT; AND

25 (III) FREE OF ANTICOMPETITIVE INTENT OR PURPOSE.

26 (4) THE FOLLOWING ARE NOT VALID FACTORS FOR CONSIDERATION IN
27 THE DETERMINATION OF QUALIFICATIONS FOR STAFF MEMBERSHIP OR CLINICAL
28 ADMITTING PRIVILEGES FOR PHYSICIANS OR CERTIFIED NURSE MIDWIVES:

29 (I) AN APPLICANT'S MEMBERSHIP OR LACK OF MEMBERSHIP IN A
30 PROFESSIONAL SOCIETY OR ASSOCIATION;

31 (II) AN APPLICANT'S DECISION TO ADVERTISE, LOWER FEES, OR
32 ENGAGE IN OTHER COMPETITIVE ACTS INTENDED TO SOLICIT BUSINESS;

33 (III) AN APPLICANT'S PARTICIPATION IN PREPAID GROUP HEALTH
34 PLANS, SALARIED EMPLOYMENT, OR ANY OTHER MANNER OF DELIVERING HEALTH
35 SERVICES ON OTHER THAN A FEE-FOR-SERVICE BASIS;

36 (IV) AN APPLICANT'S SUPPORT FOR, TRAINING OF, OR
37 PARTICIPATION IN A PRIVATE GROUP PRACTICE WITH MEMBERS OF A PARTICULAR
38 CLASS OF HEALTH PRACTITIONER;

1 (V) AN APPLICANT'S PRACTICES WITH RESPECT TO TESTIFYING IN
2 MALPRACTICE SUITS, DISCIPLINARY ACTIONS, OR ANY OTHER TYPE OF PROCEEDING;
3 AND

4 (VI) AN APPLICANT'S WILLINGNESS TO SEND A CERTAIN AMOUNT
5 OF PATIENTS OR CLIENTS WHO ARE IN NEED OF THE SERVICES OF A FACILITY OR
6 AGENCY TO A PARTICULAR FACILITY OR AGENCY.

7 (5) IF THE HOSPITAL PROVIDES HEALTH CARE SERVICES WITHIN THE
8 PRACTITIONER'S OR CERTIFIED NURSE MIDWIFE'S LAWFUL SCOPE OF PRACTICE, A
9 HOSPITAL MAY NOT DENY AN APPLICATION FOR STAFF MEMBERSHIP OR CLINICAL
10 ADMITTING PRIVILEGES OR TERMINATE THE MEMBERSHIP OR CLINICAL ADMITTING
11 PRIVILEGES OF A PHYSICIAN OR CERTIFIED NURSE MIDWIFE SOLELY ON THE BASIS
12 OF THE TYPE OF LICENSE, CERTIFICATION, OR OTHER AUTHORIZATION OF THE
13 PHYSICIAN OR CERTIFIED NURSE MIDWIFE TO PROVIDE HEALTH CARE SERVICES.

14 [(3)] (6) If requested by the Department, a hospital shall provide
15 documentation that, prior to employing or granting privileges to a physician OR
16 CERTIFIED NURSE MIDWIFE, the hospital has complied with the requirements of this
17 subsection and that, prior to renewing employment or privileges, the hospital has
18 complied with the requirements of this subsection.

19 [(4)] (7) If a hospital fails to establish or maintain a credentialing
20 process required under this subsection, the Secretary may impose the following
21 penalties:

22 (i) Delicensure of the hospital; or

23 (ii) \$500 per day for each day the violation continues.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2001.